IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 14854 of 2007(R)

PETITIONERS:

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1. G.SUGUNAN,
PRESIDENT,THIRUVANANTHAPURAM DISTRICT CO.OPERATIVE MARKETING AND PROCESSING SOCIETY LTD.NO.5.383, NEDUMANGAD.

2. THIRUVANANTHAPURAM DISTRICT CO.OPERATIVE MARKETING AND PROCESS SOCIETY LTD.NO.T.383, NEDUMANAGD REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV. SRI.B.S.SWATHY KUMAR

RESPONDENT:

THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G), THIRUVANANTHAPURAM.

BY SPL. GOVERNMENT PLEADER (SMT. A. J. ANEETHA)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.14854 OF 2007

PETITIONERS' EXHIBITS:

EXT.P1 **TRUE COPY OF ORDER NO. C.R.B. 4147/2007 DATED 24.4.07 OF THE FIRST RESPONDENT.**

EXT.P2 **TRUE COPY OF THE COMPLAINT DATED 15.9.06 BY SHANAVAS, S/O. SHAHUL HAMEED ADDRESSED TO THE REGISTRARF OF CO-OPERATIVE SOCIEITES.**

EXT.P3 **TRUE COPY OF THE ORDER NO.M.P.(3) 38330/06 DATED 17.4.2007.**

EXT.P4 **TRUE COPY OF THE POSTAL ENDORSEMENT DATED 7.5.2007.**

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 14854 OF 2007 R

Dated this the 20th June, 2007

JUDGMENT

Petitioners challenge Exts.P1 and P3. Ext.P1 is an order issued purporting to be under Section 65 of the Co-operative Societies Act. Ext.P1 is also consequential to Ext.P3. There is no dispute that there is no Officer named in Ext.P1 as the Enquiry Officer. In such circumstances, learned counsel is correct in contending that Ext.P1 cannot be sustained. Ext.P1 is quashed. Ext.P3 is not sustainable. Accordingly Ext.P3 is also quashed.

The Writ Petition is allowed as above.

K. M. JOSEPH, JUDGE

kbk.